

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GPSI, LLC,

Plaintiff,

Case No. 23-cv-10501
Hon. Matthew F. Leitman

v.

GPSI LATINOAMERICA
S. DE R.L. DE C.V., *et al.*,

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO DISMISS (ECF No. 27)

On December 9, 2024, the Court held a hearing on the motion to dismiss filed by Defendants GPSI Latinoamerica S. De. R.L. De C.V., Guillermo Jose Grünberger Reynoso, and GBR Tech, LLC. (*See* Mot. to Dismiss, ECF No. 27.) During the hearing, the Court rejected Defendants' contention that the Court lacked subject matter jurisdiction over the action, and the Court declined to dismiss the action for lack of subject matter jurisdiction. The Court then turned to the question of whether the Defendants are subject to personal jurisdiction in this forum. The Court explained that given the state of the pleadings and the record, it (the Court) could not yet determine whether (and on which claims, if any) the Defendants were subject to personal jurisdiction here. After discussion with counsel, the Court decided to give Plaintiff GPSI, LLC one more opportunity to amend its pleading in this action

to set forth a prima facie case that each Defendant is subject to personal jurisdiction in this forum on each claim. For those reasons and for the reasons stated on the record, **IT IS HEREBY ORDERED** as follows:

1. Defendants' motion to dismiss (ECF No. 27) is **DENIED WITHOUT PREJUDICE.**
2. Plaintiff GPSI, LLC shall file a Second Amended Complaint by not later than December 31, 2024. The Court does not anticipate allowing Plaintiff another opportunity to amend its pleadings to add factual allegations that it could now include in a Second Amended Complaint. Simply put, this is Plaintiff's final opportunity to amend its allegations to cure the alleged deficiencies that Defendants have identified in Plaintiff's allegations of personal jurisdiction and in Plaintiff's substantive claims.
3. Defendants may file a limited motion to dismiss Plaintiff's Second Amended Complaint by not later than January 30, 2025. This motion shall be limited to addressing whether the Court may exercise personal jurisdiction over each individual Defendant. Plaintiff shall respond by not later than March 3, 2025. Defendants may reply by not later than March 17, 2025.

4. If the Court determines that it may exercise personal jurisdiction over any of the Defendants, the Court will then set a schedule for further briefing on a motion to dismiss the Second Amended Complaint on the merits.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 11, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 11, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126